

**UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF WISCONSIN**

IN RE
Darrell D. Edwards

Chapter: 13

Debtor.

Case No. 11-23195-MDM

**MOTION OF DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE
FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2006-HE4
FOR RELIEF FROM THE AUTOMATIC STAY AND ABANDONMENT**

Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-HE4, the current mortgagee of record, its successors, servicing agents and/or assignees (hereinafter collectively and at all times material hereto "the movant"), through its attorneys, Gray & Associates, L.L.P., hereby moves the court for an order for relief from the automatic stay and abandonment pursuant to sections 362(d) and 554(b) of the Bankruptcy Code and alleges as follows:

1. The movant holds a promissory note and mortgage encumbering real property owned by the debtor(s) and located at 3789 N 75th St, Milwaukee, WI 53216-1969. A copy of the mortgage and note are attached hereto and their contents are incorporated herein by reference.

2. That since the commencement of this case (or the resolution of the prior motion for relief from the automatic stay herein, if any), three post-petition monthly mortgage payments have not been received as required by the terms of the plan in this case and, accordingly, the movant's records reflect that the following post-petition arrearage has accrued:

4/1/11 through 6/1/11	\$3,069.51
3 mortgage payments @ \$1,023.17	
Attorney fees and costs	<u>800.00</u>
POST-PETITION ARREARAGE	<u>\$3,869.51</u>

3. That the default in payments constitutes "cause" for terminating the automatic stay under section 362(d)(1) of the Bankruptcy Code.

Drafted by:
Christopher C. Drout
Gray & Associates, L.L.P.
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Gray & Associates, L.L.P. is attempting to collect a debt and any information obtained will be used for that purpose. If you have previously received a discharge in a chapter 7 bankruptcy case, this communication should not be construed as an attempt to hold you personally liable for the debt.

4. That failure to make the monthly payments has resulted in the loss of adequate protection of the movant's interest in the encumbered property, thereby entitling the movant to relief from the automatic stay under section 362(d)(1) of the Bankruptcy Code.

5. That the estimated fair market value of the property according to the local assessor's office is \$113,700.00.

6. That the total amount due the movant is approximately \$120,467.99

7. That there may be no equity in the property over and above the liens of the secured creditors, the exemptions claimed by the debtor(s), unpaid real estate taxes and other liens of record. The lack of equity in the property, which is unnecessary for an effective reorganization, entitles the movant to relief from the automatic stay under section 362(d)(2) of the Bankruptcy Code.

8. The allegations of the foregoing paragraphs indicate that the property is burdensome and of inconsequential value and benefit to the bankruptcy estate. The trustee should be ordered to abandon the estate's interest, if any, in the property pursuant to section 554(b) of the Bankruptcy Code, while reserving the estate's interest in any surplus funds which might exist if the property is sold and the movant has been paid in full.

WHEREFORE, the movant requests that the automatic stay be terminated pursuant to section 362(d) of the Bankruptcy Code so that the movant may protect, exercise and enforce its rights pursuant to said note and mortgage and that the court enter an order of abandonment regarding the property pursuant to section 554(b) of the Bankruptcy Code, while reserving the estate's interest in any surplus funds which might exist after the movant has been paid in full, that the movant's legal fees and costs associated with this motion be approved, that any order entered pursuant to this motion be effective immediately upon its entry and for such further relief as may be just and equitable.

Dated this 17th day of June, 2011.

Gray & Associates, L.L.P.
Attorneys for Movant

By: _____ /s/
Christopher C. Drout
State Bar No. 1049882

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**NOTICE OF MOTION OF DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE
FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2006-HE4 FOR RELIEF FROM THE
AUTOMATIC STAY AND ABANDONMENT**

Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-HE4, the current mortgagee of record, its successors, servicing agents and/or assignees (hereinafter collectively and at all times material hereto "the movant"), has filed papers with the court for an order for relief from the automatic stay and abandonment.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, **within fourteen (14) days of the date of this notice**, you or your attorney must do the following:

File with the court a written objection to the motion and a request for a hearing with:

Clerk, U.S. Bankruptcy Court
U.S. Courthouse
517 E. Wisconsin Avenue, Room 126
Milwaukee, WI 53202-4500

Drafted by:
Christopher C. Drout
Gray & Associates, L.L.P.
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AFFIDAVIT OF SERVICE

STATE OF WISCONSIN)
)ss
WAUKESHA COUNTY)

Claudia Socha-Antillon, being first duly sworn on oath deposes and says that I am an employee of the firm of Gray & Associates, L.L.P., attorneys for movant identified herein, and that on the 17th day of June, 2011, I electronically filed the annexed notice of motion and motion for an order for relief from the automatic stay and abandonment and that copies of these documents were mailed, properly enclosed in a postage paid envelope, or served electronically if the party accepts electronic service, to the following:

See Attached List

/s/

Claudia Socha-Antillon

Subscribed and sworn to before me
this 17th day of June, 2011.

/s/

Michelle M. Neil, Notary Public
State of Wisconsin
My commission expires: 09/22/2013.